

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 63 OF 2005

MARC LALIGAND, PRESENTLY LODGED AT Applicants
CENTRAL JAIL

Versus

STATE OF GOA, AS REP. BY OFFICER IN Respondents
CHARGE

Mr. J.P. D'Souza, Advocate for the applicant.

Mr. S.N. Sardesai, P.P. for the state/respondent.

Coram:- N. A. BRITTO, J.

Date:- 20th April, 2005

P.C.:

Heard Shri D'Souza, the learned Advocate on behalf of the Applicant/accused and Shri Sardesai, the learned P.P.

The accused has been convicted and sentenced under Section 22(A) of the N.D.P.S. Act, 1985 to undergo R.I. for six months and to pay a fine of Rs.10,000/-, in default to undergo R.I. for a further period of 15 days.

Shri D'Souza submits that the said accused had filed an application for suspension of sentence before the learned Special Judge, but the said prayer was rejected. Shri D'Souza further submits that during the pendency of the trial, the said accused was on bail and as the accused has good chances in the present appeal, the sentence imposed upon him be suspended and he be released on bail.

Having regard to the facts of the case where the accused has been convicted and sentenced under Section 22(A) of the N.D.P.S. Act, 1985 i.e. for possession of ecstasy tablets - in small quantity, this would be a fit

case to suspend the sentence imposed upon the said accused.

Consequently, I allow the application. The sentence imposed upon the accused by the learned Special Judge vide her Judgment/Order dated 7/13.4.2005 is suspended on the condition that the said accused will file before the learned Special Judge his address in the State of Goa where he could be served with summons and after complying with the said condition, the accused shall execute a Bond in the sum of Rs.15,000/- with one surety in the like amount to the satisfaction of the learned Special Judge.

Humdast allowed.

N. A. BRITTO, J.